REMARKS

Claims 1, 2, 4 and 5 remain in the case.

Reconsideration of this Application is requested. No new matter has been entered.

REJECTIONS UNDER 35 U.S.C. § 103, FIRST PARAGRAPH

The Examiner has rejected claims 1, 2, 4 and 5 as being unpatentable over U.S. Patent No. 5,983,778 to **Dawson** in view of U.S. Patent No. 3,508,773 to **Coberly**, under 35 U.S.C. § 103**,** first paragraph.

The Applicants respectfully traverse the rejection as follows.

Dawson describes, as rightly pointed by the Examiner, having a base casting 23 and a telescopic hoist comprising a series of tubular sections 12, 14, 16, 18, 20, 22 in a tubular housing 10.

However, in **Dawson**, each of the tubular sections 12, 14, 16, 18, 20 is provided with an air breather 94, 96, 98, 100 and 102 respectively, in communication with respective air spaces 12a, 14a, 16a, 18a and 20a (column 3 lines 30-42), such that as each of tubular sections 12, 14, 16, 18, 20, 22 extends, the volume of these air spaces decreases and air is forced out through the air breathers (see column 3, lines 32-38), and as each of tubular sections 12, 14, 16, 18, 20, 22 is retracted, the volume of these air spaces increases and air is drawn through the air breathers (see column 3, lines 38-42). Air is confined by gland nut bearings 64, 66, 68, 70 and 72 at the upper ends of tubular housing 10 and respective tubular sections 12, 14, 16, 18, 20, 22 (see column 3 lines 13-16), and thereby prevented from reaching wipers 74, 76, 78, 80 and 82 fixed to each upper portion of respective gland nut bearings 64, 66, 68, 70 and 72 (see column 3 lines 16-19). Further, **Dawson** uses aluminum.

Dawson does not teach the tubular sections comprising piston head *30, 32, 34, 38* on a side of said first end with an opening *28, 32, 36* for passage of a fluid

under pressure through successive areas enclosed between two successive piston heads, *and* U-shaped cup bore seals *42, 46 and 50* providing a sealing wall between the areas where the fluid is present (on the left handside thereof in Figure 1) and the ambient air, air being maintained in front of pistons *53, 57 and 61(italics are used to refer to the reference numbers in the present application).*

Coberly teaches an external friction coupling 22 between two steel members 32, 34, based on friction between telescopically related, mating tapered surfaces. These surfaces are the inner surface of the external coupling 22 and the outer surfaces of these two members 32, 34, the two members being coupled together into a tubing string by this external coupling 22. In column 9, lines 5-10, **Coberly** teaches using a nitrided steel to form this coupling 22 to minimize wear thereof as the result of rubbing against this tubing string. Applicant respectfully submits that members 32 and 34 are not telescopic members in the normal sense as argued by the Examiner. They each happen to be telescopically engaged with a respective portion of the coupling 22, but are not designed or intended to be used as tubular sections in telescopic moving arrangement as in a cylinder. Accordingly they would not lead one of ordinary skill in the art to use nitrided steel in the aluminum structure of **Dawson** to arrive at the structure claimed in this application.

Neither **Dawson** or **Coberly** discusses providing formation of a film of a lubricating fluid on the sliding walls of telescopically arranged and moving tubular sections in an open system. As people in the art will appreciate, the characteristics of the interface between two surfaces of nitrided steel are completely different from those of the interface between surfaces of aluminum, as in **Dawson**, or between surfaces of nitrided steel and steel as in **Coberly.** A number of parameters have to be monitored to yield a film of a lubricating fluid as in the present invention, including the selection of the materials, the pressure of contact, the ambient medium, the topography of the respective surfaces and the properties of the interface, the type of relative movements

between the surfaces, all these parameters controlling in return the resistance to wear of the system

One of ordinary skill in the art, by combining the teaching of **Coberly** to that of **Dawson** could not be led to the telescopic hoist as recited in the claims, since none of them teaches or even hints at such a telescopic hoist. Moreover, using the coupling teachings of **Coberly** would go against the objective of **Dawson** of repeated telescopic movements of tubular members.

Even if one of ordinary skill in the art would have been motivated to combine the teachings of **Coberly** with those of **Dawson,** which Applicant fails to see any reason for, one of ordinary skill in the art of cylinders would merely have come up with a cylinder as taught by **Dawson** except comprising nitrided steel. In no way would one of ordinary skill in the art have come up with the cylinder formed of tubular sections comprising piston head *30, 32, 34, 38* with an opening *28, 32, 36* for passage of a fluid under pressure through successive areas enclosed between two successive piston heads, and U-shaped cup bore seals *42, 46 and 50* providing a sealing wall between the areas where the fluid is present and the ambient air, air being maintained in front of pistons *53, 57 and 61,* these tubular sections further being made in nitrided steel, surface asperities of the surfaces providing formation of a film of the fluid on the sliding walls of the telescopically arranged and moving tubular sections as recited in the present claims.

Notwithstanding the disclosure of **Coberly**, even though nitrided steel might have been known to one of ordinary skill in the art for its characteristics, it is respectfully submitted that the teachings of **Dawson** could not lead one of ordinary skill in the art to the cylinder structure as recited in the present claims.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw her rejection of claims 1, 2, 4 and 5 under 35 U.S.C. § 103, first paragraph.

The rejections of the claims are believed to have been overcome by the present remarks. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such an action is earnestly solicited. Should the Examine believe that direct contact with the attorney for the applicant would advance the prosecution of this application, she is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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